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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,303	07/09/2003	Masahiro Nishio	03500.017393.	7086
5514 7590 05/21/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER LIM, KRISNA	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/615,303

Applicant(s)

NISHIO, MASAHIRO

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Claims 13-23 are presented for examination, and claims 1-12 were canceled.

2. Claims 14-17 and 19-23 are objected to because they are depended on the canceled claims. Appropriate correction is required.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not mention that the control program stored a computer readable medium. Moreover, the specification does not define what are the computer readable medium.

5. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. It is not understood how a control program store a computer readable medium.

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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7. Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter (e.g., a control program per se and an undefined computer readable medium). Undefined computer readable medium is incapable of being touched and it is perceived absent the tangible medium through which they are conveyed.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 13-23 are rejected under 35 U.S.C. §102(e) as being anticipated by Bahl [U.S. Patent No. 6,957,276].

10.. Bahl anticipates (e.g., see Figs. 1-8) the invention substantially as claimed. Taking claims 13 and 18 as exemplary claims, the reference anticipates an information processing apparatus (Figs. 1-8) which can communicate via a network (LAN, WAN of Fig. 1) with an external information processing apparatus which issues a disconnection notification based on disconnection from the network, the information processing apparatus comprising:

a) managing means for managing fixed identification information (Static IP address) added to the external information processing apparatus and variable identification information (dynamic address of IP address) added to the external information processing apparatus (e.g., see cols. 1-4);

b) obtaining means for obtaining the fixed identification information and the variable identification information from the external information processing apparatus (e.g., see cols. 1-4);

c) discriminating means for discriminating whether the variable identification information obtained by said obtaining means coincides with the variable identification information managed by said managing means and whether the fixed identification information obtained by said obtaining means coincides with the fixed identification information managed by said managing means (e.g., see cols. 1-4); and

d) searching means for performing a search request for the external information processing apparatus if said discriminating means determines that, although the variable identification information obtained by said obtaining means coincides with the variable identification information managed by said managing means, the fixed identification information obtained by said obtaining means does not coincide with the fixed identification information managed by said managing means (e.g., see cols. 1-4).

11. As to claims 14 and 19, Baht anticipates said obtaining means repetitively obtains fixed identification information and variable identification information corresponding to the external information processing apparatus, which is capable of connecting to the network, from the network; and said discriminating means performs discrimination in response to implementation of obtainment by said obtaining means (e.g., see cols. 1-4)

12. As to claims 15 and 20, Baht anticipates said managing means manages, in the form of a list, the fixed identification information and variable identification information of the external information processing apparatus, which is capable of communication via the network; and said discriminating means performs the discrimination by discriminating whether or not the variable identification information and fixed identification information obtained by said obtaining means exist in the list in response to the obtainment of the fixed identification information and variable identification

information of the external information processing apparatus by said obtaining means (e.g., see cols. 1-4).

13. As to claims 16 and 21, Baht anticipates said searching means includes storing means for receiving and storing, and for updating, external information processing apparatus information from the external information processing apparatus on the network (e.g., see cols. 1-4)

14. As to claims 17 and 22, Baht anticipates a deleting means which, when said searching means searches for the external information processing apparatus and no response is received from the external information processing apparatus, deletes a device driver stored in the information processing apparatus, from which no response is received (e.g., see cols. 1-4)

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

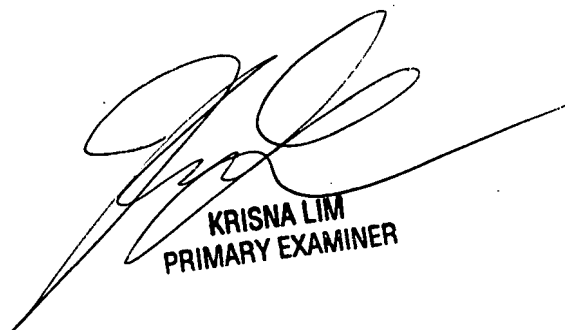
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

May 14, 2007



KRISNA LIM
PRIMARY EXAMINER